

The district, which stretches from Buffalo to Rochester, has been in Republican hands for four decades. It produced influential Republicans such as Jack Kemp, whom I served in Congress with. He served in the Cabinet. He ran on the Presidential ticket as a vice presidential candidate.

Last night's special election was held to replace a Republican Congressman who won that seat by a 3-to-1 margin. JOHN MCCAIN won the district in 2008. George W. Bush won the district 4 years earlier. Last year's Republican candidate for Governor in New York lost in a landslide. But he won big in that district. That is how conservative it is.

Democrats in Congress and even some candid Republicans know the Republican plan to kill Medicare is irresponsible and indefensible. Last night voters showed the country and the Congress that they know it too.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LACK OF A BUDGET

Mr. MCCONNELL. Madam President, sometime today or tomorrow, Senate Democrats will have an opportunity to show what kind of future they believe in. They can vote for one of the Republican plans to get our Nation's finances under control, each of which involves the kind of tough choices we will need to make to bring down our deficits and debt, or they can vote on the President's plan, which continues the unsustainable status quo. A vote to preserve our very way of life or throw it in jeopardy.

It is interesting; when the President first announced his budget, most people panned it as tepid and irresponsible. The Washington Post summed it up pretty well by saying the President punted. Yet Senate Democrats embraced it.

The senior Senator from New York said the President's budget should have bipartisan support.

The chairman of the Budget Committee gave the President, "good grades for a beginning."

Other Democrat Senators called the President's budget "a step in the right direction" . . . "an important step forward" . . . "a good start" . . . and "a credible blueprint."

One even described it as "wise."

That was then. How about today? Well, if we are to believe the news reports, every single Democrat in the Senate now plans to vote against the President's budget. They do not even want to use it as a starting point. Why? We got the answer earlier this week from Senator SCHUMER, when he indicated that Democrats now believe avoiding this debate altogether helps them in the next election.

In other words, they think it is better not to keep track of our Nation's finances at all than to support any plan that does. So much so that they are about to reject a budget that even they embraced a few months ago. They will vote against every budget that comes to the floor, including the President's.

Six weeks after the Democrat co-chairman of the President's own debt commission told us that our Nation's deficits and debt are like a cancer that threatens to destroy America from within, Democrats are ready to call it a work period without supporting any of the proposals that have been made, without producing anything of their own.

Nothing. That is their answer to this crisis.

Their focus is on an election that is still almost 2 years away.

I think it is a mistake. At a moment when our debts and deficits threaten the very future of our Nation, Democrats have no excuse for proposing no vision of their own. There is no defense.

Washington is currently on pace to spend about \$1.6 trillion more than it takes in this year, three times the biggest deficit we ever had before President Obama took office.

Members of the President's own Cabinet admitted last week that Medicare is in need of urgent reform if we want to preserve it for future generations.

Congressman RYAN has shown courage by proposing a budget that would tackle these problems.

Democrats are showing none by ignoring our problems altogether. This is the contrast Americans will see in the Senate this week. More than 2 years have passed since Democrats have produced a budget of their own. This is a complete and total abdication of their responsibilities. And there is no excuse for it. We have an obligation to come up with a plan. Democrats are officially abdicating that responsibility this week.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half hour and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

REMEMBERING EDWARD LAWRENCE O'BRIEN

Mr. KERRY. Madam President, in the course of our lives, one of the most

difficult moments we face is to say goodbye to a parent. No matter how old we are or how old they are or even how long they've struggled with illness and infirmity, when you lose your mother or father, you are reminded again what it means to be someone's child, and it hits you right in the gut just how much you depend on your mother and father. It is difficult, and it has been particularly difficult for the O'Brien family of Marshfield Hills, MA, which just this month lost their patriarch, Edward Lawrence O'Brien, who was an extraordinary blessing to his family, and his friends, but also to the country he loved, which he served in the U.S. Navy. And his passing is a profound loss to us all.

Ed leaves behind his loving wife Marge, his brother Gene, 6 devoted children and 17 adoring grandchildren. His son Drew has served the people of Massachusetts as my State director for almost a decade, living the spirit of public service that Ed instilled and inspired in all of his family. Ed was, to borrow a phrase Tip O'Neill liked so much, "a beautiful person," and I enjoyed meeting him on several occasions. Our last meeting will be with me forever, when I had the privilege of presenting him with his World War II medals for his service in the Pacific. He was so content and had such a great smile on his face, a twinkle in his eye which never deserted him even as he bravely battled and accepted the illness that would take him from his family after 86 years extraordinarily well-lived.

Ed served proudly in the Navy during World War II, including the invasion of Okinawa. He embodied what we now know as "The Greatest Generation" of Americans who defended America and saved democracy for the world. He earned numerous decorations, including the Combat Action Ribbon, the Asiatic Pacific Campaign Medal with a silver star and a bronze star, and the European-African-Middle Eastern Campaign Medal.

Ed was a patriot who stood by his country and his family with equal measures of devotion. Indeed, the mass lovingly put together by his family told the story of a man who loved his friends, who loved his family, who loved his God—the God who, in the words of the old Irish hymn he enjoyed so, was his vision, his battle shield, his sword for the fight, his dignity and his delight. In his eulogy for his father, Drew O'Brien offered great comfort to all who mourned with him, especially Ed and Marge's 17 grandchildren. "For the rest of your life," Drew told them, "carry him with you in your heart—never forget the love he offered, the lessons he taught, the stories he told or the fun that you had with him."

Drew's eulogy is a wonderful tribute to a father's legacy and a son's enduring love and today I would like to share it with my colleagues in the U.S. Senate by having it printed in the CONGRESSIONAL RECORD. And with that request, I would also like to—on behalf of

my entire office and all those who know and love Drew—again extend our deepest sympathies and condolences to the entire O'Brien family: Michael O'Brien, his wife Kathryn and their children, Michael, Caroline and Elizabeth; Jim O'Brien, his wife Irene and their children, Johanna and Theresa; Kevin O'Brien, his wife Rozilyn and their children, Daniel, Christopher, Sean and Julia; Joanne O'Brien Hudson, her husband Richard and their children, Mary, Anne and Meaghan; Lawrence O'Brien, his wife Patty Roper and their children, Siobhan, Rachel and Kate; and Drew O'Brien, wife Michelle Consalvo and their children, Natalie and Matthew.

And to Drew, I would also like to say that, having lost my own father now 11 years ago this summer, please know that while the hurt of the loss never goes away, with the passage of time you remember the good moments and the best lessons more and more. You'll always look up and see your Dad proudly looking over you. And because Drew is such a gift to all of us, I also wish to thank Ed and Margaret, his dearest "Margie," for the extraordinary family they created, nurtured and loved. And to Ed O'Brien, this great Navy man now at rest on still waters in heaven, I bid you "fair winds and following seas."

Madam President, I ask unanimous consent that the eulogy by Drew O'Brien be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN REMEMBRANCE OF DAD

(By Drew O'Brien, May 16, 2011)

My family and I want to thank everyone who is here with us this morning, and all who came through MacDonald's yesterday for participating in these celebrations of Dad's life. I think I speak for everybody when I say it was overwhelming in its comfort. Thank you so much.

For my brothers—Michael, Kevin, Jim, Lawrence, our sister Joanne and me—a special thank you has to go out to each of our spouses and our families. Kim, Lyn, Irene, Rick, Patty and Michelle. You were all so patient and supportive when we had to stop the clock of our everyday lives to help Dad. Dad loved and cherished each of you, and I know he recognized and appreciated the sacrifice you made.

There are people, too many to list, who have helped us and Dad over the past few months, in hospitals all around Massachusetts. They are owed a personal debt of gratitude that simply cannot be repaid. But they deserve our recognition this morning. Thank you to all of them.

We are here this morning to celebrate and honor the long and blessed life of Edward Lawrence O'Brien, just eight days shy of his 85th birthday.

How to do that with brevity, simplicity and accuracy?

In a word: love.

He was all about the love.

He loved his garden. He loved to take a ride in the car with Mom on a nice Sunday afternoon, usually after an early Sunday dinner—which he also loved. He loved his Irish heritage deeply and he loved his still-ongoing genealogy project. He loved to go flounder fishing right off the South Shore here.

He loved to go camping—loved a good campfire and loved it when we were all around it. He loved to travel—and he and Mom traveled a lot in his long retirement. He loved a nice hot cup of tea, and he loved a glass of cold beer. Sometimes two. He loved newspapers, especially his Patriot Ledger. He loved crossword puzzles. He loved a good spy novel—Robert Ludlum and John LeCarre. He loved jazz and big band music. He loved Brooklyn, his hometown. He loved Bishop Loughlin High School there. He loved the University of Missouri. He loved the United States Navy. He loved Liberty Mutual, where he spent so much of his life. He loved to watch TV shows and movies, and was one of the first people I knew to get a TiVo. He amassed a video collection that would make most production houses either envious, or initiate a lawsuit. He loved to get underneath a car and change the oil or fix the brakes. He loved to watch a good basketball game and, back in the day, he played a pretty good one too. He loved his yard, his grass and his flowers—and he knew that a rainy day in May was good for them, and we need to remember that on this rainy day in May. Inside that yard on Idylwilde Circle was a house he loved. For a kid from Brooklyn, it was almost a dream come true.

I say "almost" because it's what he put in that house that made the dream come true. His two big loves: his family and his faith.

We can't talk about family without talking about Mom. He called her Marge, sometimes Margie. He loved her so much and was so devoted to her. For nearly 57 years, they were side by side in marriage, and they were rarely apart. Together they made a home for us that, despite the occasional adolescent chaos, inspired a love and devotion that we all hold for each other still and have extended to our own families. Together they are the best examples of parents you could ever ask for or imagine. Thank you, Mom and Dad.

My brothers and sister know that the finest way to honor Dad's life is to bring comfort and love to Mom in the days ahead. I know we will all do that and do that together.

All six of us know how much Dad loved us and how devoted he was to us and he showed it in many different ways. He was the one who taught you how to throw the ball, ride the bike or shoot the basket. He fixed the dollhouses, "fine tuned" the science projects—usually long after we had gone to sleep, and quietly replaced the windows broken by either a stray elbow or a stray basketball. He pushed us in school, steered us towards college, was always there to talk about issues at work and shaped us into the men and women we all are today. We are all blessed and fortunate to call him our Dad.

For almost twenty-six years he was Grandpa—his favorite role in life. All seventeen of his grandchildren are here this morning—he loved you, found excitement and joy in you and the things you did and thought you were the greatest things to walk the earth. Take comfort today in the fact that he knew how much you loved him. For the rest of your life, carry him with you in your heart—never forget the love he offered, the lessons he taught, the stories he told or the fun that you had with him.

Dad's brother, our Uncle Gene, is here today with us, along with his family. Uncle Gene knew Dad longer than anyone and his sense of loss is profound and sad in ways that many of us simply might not understand. Thank you Uncle Gene for loving Dad so much and for so long.

And thank you to all our cousins and relatives who came—many from long distances—to be with us to honor Dad today.

Dad's other big love in life is the reason we are all gathered together this morning at

Saint Christine's: his faith. This church was a very important part of our lives growing up—in many ways an extension of our own home. All of us here this morning can draw comfort and strength in the fact that Dad believed very deeply in God, and that he practiced that belief every day—not just in attending daily Mass, but in everything he did. He believed deeply in the Rite of the Eucharist—the very Mass we celebrate this morning. Most important of all, he believed deeply in the Resurrection and in Eternal Life. His faith was a special gift. That gift is still here and all of us can find comfort and solace and inspiration in it.

I'd like to leave you with one final thought this morning.

In addition to being all about the love, many of you know that Dad was all about the conversation. We've all heard it so much these past days—how friendly he was, how nice he was to talk to. He had what the Irish call the "gift of gab." And he was well-known and beloved for it.

He'd smile at and talk to people anywhere he was—the post office, the bank, the grocery store, the waiting room at the dentist's office, South Station, outside of church, inside of church—did not matter if you were a neighbor, or a complete stranger. It is an amazing attribute and it is not lost on me that perhaps the wrong person in the family got involved in politics.

Admittedly, it could get a little exasperating. You'd be on your way with him somewhere, usually under some timeline, you'd turn around and he wouldn't be there. He was back at the last intersection asking the bike courier where he went to school and what he was going to do with his life. And questions were not the end of it, there was always an "advice-dispensing" component as well—"you should go to UMass" or "you should try Harvard Extension" or "you should try and get yourself some office experience." It was classic Dad.

One gray morning last December, I arrived at work early and decided to run some Christmas errands. We knew Dad was sick, and I was worried and sad. As I walked down Washington Street in Boston, I found myself saying hello to the morning commuters, hurrying in the cold to get from the T station to their offices. Complete strangers. A few looked at me like I was insane, but most of them smiled back, said "good morning" and I even got an occasional "Merry Christmas." It felt good. It lifted my spirits. And I understood.

It was Dad. It was his spirit. It was his love. It was his faith.

And that same spirit and love and faith of his—they are all here with us today and will be every day.

In the days ahead, take a moment to say hello to someone you don't know. And when you do, think of my Dad—his spirit, his love, his faith.

God Bless you Dad. We love you and we miss you and we will never forget you. Rest in peace.

Mr. KERRY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PATRIOT ACT

Mr. UDALL of New Mexico. Madam President, I know Senator BLUMENTHAL is coming to speak and Senator KERRY ended a little bit early. I wish to get up for a couple minutes now, and when Senator BLUMENTHAL comes in I will yield to him because he has some time reserved.

I wish to talk this morning a little bit about the procedure and what we have gone through, in terms of the PATRIOT Act.

I am very discouraged to see the path we are headed down in terms of the PATRIOT Act. I was in the Congress, as the Presiding Officer knows, when we voted almost 10 years ago on the PATRIOT Act. It was a sad occasion then because it was right after 9/11 and that horrible tragedy had happened to our country. But we rushed, in a very big way, to move forward with a piece of legislation, the so-called PATRIOT Act. That act ended up being something I think many of us regret.

I wish to read a short passage from the Washington Post at the time, which I think showed the haste in which we acted, where we infringed on our constitutional rights, and I think the Post says it all. They noted:

Members of both parties complained they had no idea what they were voting on, were fearful that aspects of the . . . bill went too far—yet voted for it anyway.

I can tell you that, at the time, that is the way it was. We were on the floor, we had the vote, and nobody knew what was in the bill. I remember one Congressman waiving a copy of the bill, saying there is only one copy on the floor and it is hot off the Xerox machine. So it is unfortunate we moved so quickly, with so much haste.

Almost 10 years later, we have not had the debate we need to have on this piece of legislation. The greatest deliberative body has not weighed in with amendments. We have not moved forward in a serious way to try to tackle this piece of legislation that is so important to our country, important to our freedom, and important to our liberty.

What are the problems we should be dealing with? Just very quickly—I know my colleague, Senator BLUMENTHAL, is here, so I will quickly move on. But two things have happened that indicate we have some serious problems with the PATRIOT Act. No. 1, in March of 2007, the inspector general of the Department of Justice, in a report concluded that “the FBI engaged in serious misuse of national security letter authority.” The report also said that “in many instances, the FBI’s misuse of national security letters violated NSL statutes, Attorney General guidelines, or the FBI’s own internal policies.”

So there we have an inspector general telling us that the executive branch, with the piece of legislation, moved way beyond where they should. That is something we should take a hard look at. I have an amendment, and I know others do, on that.

There have also been courts that have looked at parts of the PATRIOT Act and found that act to be unconstitutional. It is incumbent upon us, when we have a ruling such as that, to look at it and offer amendments and try to make changes.

I harken back to what I remember reflecting on, on that day when we passed the act. Benjamin Franklin—talking about our precious freedom and liberty—said this, and I will paraphrase. He said something along these lines: Those who would sacrifice liberty for security deserve neither. So that is where we are today.

The so-called PATRIOT Act was enacted nearly a decade ago. Hastily passed by a Congress left reeling in the wake of a devastating terrorist attack on our Nation. Its supporters described it as a way to protect our Nation from similar attacks in the future. But this far-reaching piece of legislation went much farther than that. The PATRIOT Act’s most enduring legacy is this: It gave the Federal Government the power to undermine the constitutional right to privacy of law-abiding citizens.

I was a Member of the House of Representatives at the time. One of only 66 Members to vote against passing the PATRIOT Act. It was an unpopular vote at the time. But when the details of the new law were examined, its breaches on our civil liberties became clearer. And the truth came out. As I have said, the Washington Post noted, “members of both parties complained they had no idea what they were voting on, were fearful that aspects of the . . . bill went too far—yet voted for it anyway.”

I also voted against the reauthorization of the PATRIOT Act in 2006, as well as the FISA Amendments Act of 2008. In February, I once again opposed the extension of three controversial provisions of the PATRIOT Act: roving wiretaps . . . government access to “any tangible items” such as library and business records . . . and the surveillance of targets who are not connected to an identified terrorist group.

Back in 2001, I said on the House floor that I was “unable to support this bill because it does not strike the right balance between protecting our liberties and providing for the security of our citizens.”

I went on to explain that “the saving grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle.”

And that is exactly what we should do. To govern in a post-9/11 world, we have to strike a delicate balance: We must prevent the terrorist actions of some, without infringing on the constitutional guarantees of the vast many. We are failing to strike that balance today by forcing reauthorizations of the PATRIOT Act without scrutinizing the long-term ramifications of the law.

Voting for the PATRIOT Act in the shadow of the 9/11 attacks was justifi-

able for many; that horrific day created an unparalleled sense of urgency. Today, we are once again up against a sense of urgency to renew the controversial provisions of the law set to expire this week.

But it’s no longer due to a recent attack. Instead, the urgency has been created by the false argument that our Nation will be more vulnerable to attack if we dare to let the provisions expire.

Let’s be honest in this debate—not act hastily out of false fears. Even if the provisions expire, the sunsets contain an exception for ongoing investigations. And the government can continue to use those provisions beyond this week.

Perhaps the real fear is that the time it would take for real debate might postpone our Memorial Day recess. We were promised a real debate on this reauthorization, and we should have it!

With a decade of hindsight, more voices from very different places on the political spectrum agree—the entire law bears scrutiny and debate. We can no longer neglect our duty. It is our responsibility to review the full scope of a law with such serious constitutional challenges before rushing to reauthorize it, again.

I have filed two amendments that I hope the Senate will consider and vote on.

The first is very simple. It extends the expiring provisions until September so that we can have a real, substantive debate and an open amendment process. This is what we thought the 3-month extension passed in February was intended to do, but adequate floor time was never scheduled and we have been extremely limited in our ability to offer amendments.

This is by no means an ideal solution. In fact, I voted against the short-term extension in February. But if our options are an extension until September and an extension until 2015, I am willing to accept the lesser of two evils. I thank Senator MERKLEY for cosponsoring this amendment.

The second amendment I have filed would reinstate a sunset provision for national security letters. This provision was in Senator LEAHY’s bill that was reported out of his committee and is in his amendment, but I feel strongly that it should also be considered as a stand-alone because of the importance of this issue.

National security letters do not require a court order. They are a form of administrative subpoena issued by FBI agents and other officials. A March 2007 report by the Department of Justice inspector general “concluded that the FBI engaged in serious misuse of NSL authority.”

It also said that “in many instances, the FBI’s misuse of national security letters violated NSL statutes, Attorney General guidelines, or the FBI’s own internal policies.”

I believe that there must be a sunset provision for NSLs to ensure that Congress periodically reevaluates this